

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS )  
OF NORTHERN ILLINOIS PENSION FUND )  
AND WELFARE FUNDS, )

Plaintiff, )

v. )

SCOTT ROGERS, Individually and d/b/a )  
ROGERS HAULING, LLC, )

Defendant. )

No. 08 C 2911

Judge Holderman

Magistrate Judge Cole

**MOTION FOR JUDGMENT IN SUM CERTAIN**

NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUND, by and through its attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and pursuant to FRCP 55 move for entry of a default judgment in sum certain as stated in this Complaint and the supporting Affidavits attached hereto. In support of its Motion, Plaintiffs state as follows:

1. Suit was filed on May 20, 2008 for collection of delinquent contributions, attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2).

2. Service was made upon SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC on June 5, 2008 and a copy of the proof of service was filed with the court on June 11, 2008.

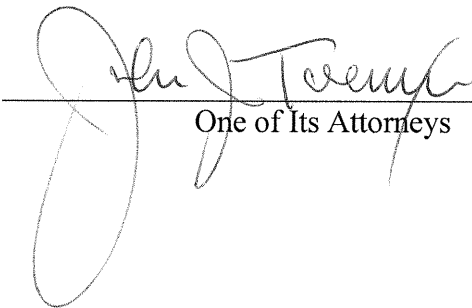
3. Defendant is now in default as to the Complaint and as supported by the attached Affidavits the sums due are:

\$1,604.20 Welfare  
\$802.30 Pension  
\$925.00 Attorneys fees  
\$460.00 Court costs  
\$3,791.50

WHEREFORE, Plaintiff prays for the entry of judgment against Defendant,  
SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC, and in favor of  
Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS  
WELFARE AND PENSION FUNDS in the amount of \$3,791.50.

TRUSTEES OF THE SUBURBAN TEAMSTERS  
OF NORTHERN ILLINOIS WELFARE AND  
PENSION FUNDS

By:



One of Its Attorneys

JOHN J. TOOMEY  
ARNOLD AND KADJAN  
19 W. Jackson Boulevard  
Chicago, Illinois 60604  
(312) 236-0415

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TRUSTEES OF THE SUBURBAN TEAMSTERS )  
OF NORTHERN ILLINOIS PENSION FUND )  
AND WELFARE FUNDS, )

Plaintiff,

V.

SCOTT ROGERS, Individually and d/b/a  
ROGERS HAULING, LLC,

Defendant.

No. 08 C 2911

Judge Holderman

Magistrate Judge Cole

## AFFIDAVIT IN SUPPORT OF ATTORNEYS' FEES

NOW COMES the undersigned, JOHN J. TOOMEY, upon being first duly sworn,  
deposes and states, as follows:

1. The undersigned is counsel of record in Case No. 08 C 2911.
2. Affiant is an attorney licensed to practice law in the State of Illinois since 1978.

Affiant is admitted to the trial Bar of the Northern District of Illinois, the Central District of Illinois and the Seventh, Eighth, Second, Eleventh Circuit Courts of Appeal, U. S. Tax Court and the United States Supreme Court.

3. The time spent in the case are as follows, were reasonably necessary in the prosecution of the case, and no paralegals were used:

May 20, 2008	Open file; draft complaint and summons and file with court	2 hours
June 11, 2008	Return of service filed with the court	.5 hours
June 26, 2008	Draft Motion for Judgment in Sum Certain	1.5 hour

Court appearance on Motion for Judgment  
in Sum Certain

1.0 hour

4. The costs expended in prosecuting the case are:

Filing fee \$350.00

Service of process  
Argus Agency \$110.00

Total \$460.00

5. Reasonable value of such services is One Hundred Eighty Five Dollars per hour:

\$185.00 x 5. hours \$925.00

6. The total in fees and costs expended are:

Attorneys' fees \$925.00

Costs \$460.00

Total \$1,385.00

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
JOHN J. TOOMEY

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OF NORTHERN ILLINOIS PENSION FUND )	)	
AND WELFARE FUNDS, )	)	
	)	
Plaintiff, )	)	
	)	No. 08 C 2911
v. )	)	
	)	Judge Holderman
	)	
SCOTT ROGERS, Individually and d/b/a )	)	
ROGERS HAULING, LLC, )	)	Magistrate Judge Cole
	)	
Defendant. )	)	

**AFFIDAVIT**

RICHARD SIEBERT, upon being first duly sworn deposes and states as follows:

1. Affiant is employed by the Suburban Teamsters Welfare and Pension Fund ("Funds") as an auditor, is familiar with the Scott Rogers, Individually and d/b/a Rogers Hauling, LLC audit ("Employer"), having examined its books and records to determine what amounts if any were due and owing the Funds, and is also familiar with the parties' agreement concerning contributions, liquidated damages and interest owed.

2. That an audit of Employer's books and records was performed on February 13, 2008 covering the period May, 2007 through December, 2007 and found to be owing:

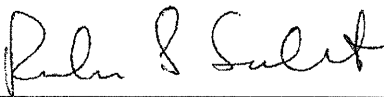
Pension	\$802.30
Welfare	\$1,604.20

3. That Employer was given copies of the audit and given notice of findings and has made no effort to pay or settle.


4. That the audits including liquidated damages and interest totals \$2,406.50.

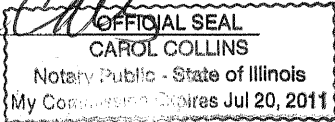
6. That Affiant suffers from no disability and can so testify and affirm such facts.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
RICHARD SIEBERT

SUBSCRIBED AND SWORN  
to before me this 28<sup>th</sup> day of  
June, 2008.

  
\_\_\_\_\_  
Notary Public



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SCOTT ROGERS, Individually and d/b/a )  
ROGERS HAULING, LLC, )

Defendant. )

No. 08 C 2911

Judge Holderman

Magistrate Judge Cole

**ORDER OF JUDGMENT**

This matter coming to be heard upon Plaintiff's Motion for Judgment in a sum certain and the court being fully advised in the premises,

**IT IS HEREBY ORDERED AS FOLLOWS:**

That judgment is entered in favor of the Plaintiff TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS and against the Defendant, SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC in the amount of \$3,791.50.

Date:

Entered:

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JUDGE HOLDERMAN